

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALBERTO VILLALBA-LOPEZ,

Defendant.

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Case No. 8:11MJ40

ORDER

This matter is before the court on the defendant's Motion to Review Detention (#27). The defendant's motion proposes that the defendant be released to live with his wife and children in West Point, Nebraska. The motion is denied.

The motion fails to address the court's concerns as set out in its March 3, 2011 Detention Order (#20). Specifically, the court is concerned about the defendant's illegal alien status, the presence of an immigration detainer notice of action naming the defendant, and the court's belief, based upon the current charges, that the Immigration Court will not consider him for release. Additionally, the proposed release fails to rebut the presumption of detention under 18 U.S.C. § 3142(e). Because the information in the Motion to Review Detention fails to rebut the presumption of detention and because it is the court's belief the defendant would not be subject to bond in the Immigration Court, I find the defendant should remain detained.

IT IS ORDERED that defendant's Motion to Review Detention (#27) is denied without hearing.

Dated this 14th day of March 2011.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge